



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,827	10/29/2001	Jason R. Thompson	D5110	5624

7590 10/01/2003

Jeffrey P. Calfa
International Truck Intellectual
Property Company, L.L.C.
4201 Winfield Rd.
Warrenville, IL 60555

EXAMINER

ROSENBERG, LAURA B

ART UNIT PAPER NUMBER

3616

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,827

Applicant(s)

THOMPSON ET AL.

Examiner

Laura B Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the amendment filed on July 18, 2003, in which claims 1, 6, 18, and 23 were amended.

Drawings

2. The drawings were received on August 5, 2003. These drawings are acceptable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murgas (3,395,883) in view of Rawlinson (5,100,093). In regards to claim 1, 2, 5, 10, 12, 13, 16-19, 22, 27, 29, 30, 33, and 34, Murgas discloses a universal accessory-mounting assembly for supporting an accessory (#10) at a distance from a base structure (#39) to which the universal accessory-mounting assembly may be attached, comprising three support components (#16, 20, 28) having a base end (near #23, 42) and an accessory-support end (near #12, 26, 32). Each support component has its accessory-support end engaged to the accessory-support end of the other support components (via #26, 32). The assembly further comprises three independent base-attachment structures (#34, 36) engaged to a base end of each support component,

Art Unit: 3616

wherein each of the base-attachment structures comprises means for securing it to the base structure (stepped hood feet and a fender foot). The assembly comprises an accessory-attachment structure (#12 and connection between #10 and #12) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged directly to (#16) and indirectly to (#20, 28) and comprises one of the accessory-support ends (#12, 16) of the support components. The specifics of the vehicle, including the frame structure(s), suspension system, and body structure(s) are inherent and are not specifically pointed out. Murgas does not disclose the base-attachment structures being biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint. Rawlinson teaches a universal accessory-mounting assembly for supporting an accessory (#20) at a distance from a base structure (#43), comprising two support components (#55) having a base end (shown in figure 5) and an accessory-support end (end near #35 shown in figures 3, 4). Each support component has its accessory-support end engaged to the accessory-support end of the other support component (best seen in figures 1-3). The assembly further comprises two independent base-attachment structures (figure 5) engaged to a base end of each support component, wherein each of the base-attachment structures comprises means for securing it to the base structure (figure 5) and the base-attachment structures are biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint (figure 5; column 5, lines 4-35). The assembly comprises an accessory-attachment structure (#33, 35) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged to and comprises

Art Unit: 3616

respective accessory-support ends of the support components (best seen in figures 3, 4; column 5, lines 19-22). It would have been obvious to one skilled in the art at the time that the invention was made to modify the base-attachment structures of Murgas such that they were biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint as claimed in view of the teachings of Rawlinson so as to make the assembly adaptable to vehicles with different base structure designs (Rawlinson: column 5, lines 24-27).

In regards to claims 3, 4, 7, 14, 15, 20, 21, 24, 31, and 32, Rawlinson discloses three support components (#16, 20, 28) being engaged to each other in such a manner that they are selectively movable relative to each other, the three support components being uniaxially pivotally engaged to each other and their orientations being uniaxially pivotally adjustable relative to each other (column 2, lines 20-21, 25-28).

In regards to claims 6 and 23, Murgas discloses the assembly including structure which can be utilized to selectively secure each support component's orientation relative to the other support components (via adjustment of bolts and nuts #24, 30).

In regards to claims 8 and 25, Murgas discloses each axis (axes are through bolts #24, 30) about which each support component is pivotal relative to the other support components being disposed at an angle to all other axes about which the other support components are pivotal (best seen in figure 2).

In regards to claims 9 and 26, Murgas discloses each of the base attachment structures (#34, 36) comprising a mounting pad (curved portion of #34 and stepped

Art Unit: 3616

portions of #36) which has a flat mounting-face which is firmly pressed against the base structure when the assembly is mounted to the base structure (best seen in figure 3).

In regards to claims 11 and 28, Murgas discloses the support components being relatively long, thin members of unitary construction (best seen in figure 2).

In regards to claims 35, 37, and 39, Murgas discloses the accessory being a mirror (#10).

In regards to claims 36, 38, and 40, Murgas discloses the body structures including a cab and an engine compartment hood (#39) disposed in front of the cab, the base structure to which the assembly is mounted being the engine compartment hood, the assembly being mounted at a forward end of the engine compartment hood, and the accessory that is mounted to the assembly being a mirror, a reflecting surface of which is at least partially directed toward the cab such that a driver of the vehicle can view images of areas in front, beside, or behind the vehicle in the reflecting surface of the mirror (best seen in figure 1).

5. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art in view of Rawlinson (5,100,093). In regards to claim 1, 2, 5, 10, 12, 13, 16-19, 22, 27, 29, 30, 33, and 34, the prior art discloses a universal accessory-mounting assembly (figure 3; pages 1-3) for supporting an accessory at a distance from a base structure to which the universal accessory-mounting assembly may be attached, comprising three support components (#13) having a base end (#14) and an accessory-support end (#15). Each support component has its accessory-support end engaged to

Art Unit: 3616

the accessory-support end of the other support components (figure 3). The assembly further comprises three independent base-attachment structures (#17-19) engaged to a base end of each support component, wherein each of the base-attachment structures comprises means for securing it to the base structure (#26). The assembly comprises an accessory-attachment structure (#23) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged directly to (middle #15) and indirectly to (left and right #15) and comprises one of the accessory-support ends (middle #15) of the support components. The specifics of the vehicle, including the frame structure(s), suspension system, and body structure(s) are not specifically pointed out. However, the applicant discloses that the prior art accessory mounting assembly is an example of "accessory-mounting assemblies for mounting accessories at a distance from a base structure such as a body structure of a vehicle" (page 1, paragraph 0001), similar to the vehicle of the claimed invention. In addition, the prior art does not disclose the base-attachment structures being biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint. Rawlinson teaches a universal accessory-mounting assembly for supporting an accessory (#20) at a distance from a base structure (#43), comprising two support components (#55) having a base end (shown in figure 5) and an accessory-support end (end near #35 shown in figures 3, 4). Each support component has its accessory-support end engaged to the accessory-support end of the other support component (best seen in figures 1-3). The assembly further comprises two independent base-attachment structures (figure 5) engaged to a base end of each support component, wherein each of the base-

attachment structures comprises means for securing it to the base structure (figure 5) and the base-attachment structures are biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint (figure 5; column 5, lines 4-35). The assembly comprises an accessory-attachment structure (#33, 35) to which the accessory may be mounted, wherein the accessory-attachment structure is engaged to and comprises respective accessory-support ends of the support components (best seen in figures 3, 4; column 5, lines 19-22). It would have been obvious to one skilled in the art at the time that the invention was made to modify the base-attachment structures of the prior art such that they were biaxially pivotally engaged to the base end of each support component by a ball-and-socket joint as claimed in view of the teachings of Rawlinson so as to make the assembly adaptable to vehicles with different base structure designs (Rawlinson: column 5, lines 24-27).

In regards to claims 3, 4, 7, 14, 15, 20, 21, 24, 31, and 32, the prior art discloses three support components (#13) being engaged to each other in such a manner that they are selectively movable relative to each other, the three support components being uniaxially pivotally engaged to each other and their orientations being uniaxially pivotally adjustable relative to each other (figure 3).

In regards to claims 6 and 23, the prior art discloses the assembly including structure which can be utilized to selectively secure each support component's orientation relative to the other support components (via #25).

In regards to claims 8 and 25, the prior art discloses each axis (axis through #25) about which each support component is pivotal relative to the other support components

being disposed at an angle to all other axes about which the other support components are pivotal (figure 3).

In regards to claims 9 and 26, the prior art discloses each of the base attachment structures (#17-19) comprising a mounting pad (#18) which has a flat mounting-face (#19) which is firmly pressed against the base structure when the assembly is mounted to the base structure.

In regards to claims 11 and 28, the prior art discloses the support components being relatively long, thin members of unitary construction (figure 3).

In regards to claims 35-40, the prior art does not specifically disclose the accessory being a light, antenna, or mirror, nor does it disclose the specific features of the vehicle to which the assembly is mounted. However, the applicant implies that the primary difference between the prior art assembly and the assembly of the present invention is the biaxially pivotal ball-and-socket base attachment structure. Thus, the prior art has the same structural features as the claimed invention with the exception of the base-attachment structures.

Response to Arguments

6. The examiner appreciates the applicant's amendments to overcome the drawing objections, the claim objections, and the 35 U.S.C. 112, 2nd paragraph rejections.

7. The examiner agrees with the applicant that the 35 U.S.C. 102 rejection as being anticipated by Rawlinson has been overcome by adding the feature of "three or more support components" and the examiner has withdrawn this prior art rejection.

8. Applicant's arguments filed July 18, 2003 regarding the 35 U.S.C. 103 rejections have been fully considered but they are not persuasive. The motivation to combine the Rawlinson reference with both the applicant's prior art and the Murgas reference has been sufficiently explained in the rejection above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

Application/Control Number: 10/047,827
Art Unit: 3616

Page 10

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Lama B. Rosenz
LBR

Paul N. Dickson 9/29/03
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600